

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

CAROLL A. DEAR

PLAINTIFF

VS.

CIVIL ACTION NO. 3:07-cv-407-WHB-LRA

JACKSON STATE UNIVERSITY

DEFENDANT

ORDER

This cause is before the Court on the Motion of Defendant to Dismiss for insufficient service of process, to which Plaintiff has not responded.

The record shows that Plaintiff filed a Complaint alleging claims arising under Title VII of the Civil Rights Act of 1964 against Defendant on July 16, 2007. On or about August 27, 2007, Plaintiff caused to be served a copy of the summons and the Complaint on Ronald Mason, the President of Defendant Jackson State University. On September 6, 2007, Defendant filed a Motion to Dismiss arguing that service through its President was ineffective because it could only be served through the Governor or Attorney General of this State. See e.g. Miss. R. Civ. P. 4(d)(5) (providing that service is to be made: "Upon the State of Mississippi or any of its departments, officers or institutions, by delivering a copy of the summons and complaint to the Attorney General of the State of Mississippi."). Plaintiff did not respond to this Motion.

The record also shows, however, that Plaintiff, on September 25, 2007, caused to be served a copy of the summons and Complaint in this case on Mississippi Attorney General Jim Hood. As it appears that Defendant was properly served through the Mississippi Attorney General in accordance with Rule 4(d)(5) of the Mississippi Rules of Civil Procedure:

IT IS THEREFORE ORDERED that the Motion of Defendant to Dismiss [Docket No. 3] is hereby denied.

SO ORDERED this the 5th day of October, 2007.

s/ William H. Barbour, Jr.
UNITED STATES DISTRICT JUDGE